APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,052	01/05/2001	Jun Liu	MS1-711US	4697

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EXAMINER
LIANG, GWEN

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/756,052	LIU ET AL.	
	Examiner	Art Unit	
	GWEN LIANG	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 June 2003* .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5, 8-12, 15, 16, 21-23 and 25-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5, 8-12, 15, 16, 21-23 and 25-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1.   This action is responsive to communications: Amendment A, filed on 6/13/03.

This action is made final.

Response to Arguments

2.   Applicant's arguments with respect to all the pending claims have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-5, 8-12, 15, 16, 21-23 and 25-33 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Stuart ("Netware Mobile extends network to off-line users"),

further in view of Spanbauer ("Happy 2000-or 1900!. Qwerty versus Dvorak. Stop a

hard disk from churning"), and further in view of Suzuki et al, "Suzuki", (EP Patent No.

1,150,207)..

With respect to claim 1, Stuart discloses a method ... comprising:

assigning each of a plurality of data files to one of a plurality of specific

corresponding downloadable file groups (See for example: col. 3 – col. 4, wherein

administrators can create file groups consisting of commonly shared files which users

can download in one shot); and

selectively sending parts of files that that changed from the source device to the

client device (See col.1 – col. 2, wherein users have the option of only updating parts of

files that have changed).

However Stuart does not explicitly teach a method comprising

compressing... data files to form one ... image..., associating each image with a unique

identifier, generating a listing of unique identifiers, storing the ... images and the listing

... within a source device, comparing listing of unique identifiers ... and selectively

sending ... images ...

Spanbauer teaches a method that for each downloadable file group,

compressing, together all assigned data files to form one processed image for the

downloadable file group (See for example: page 2 paragraph 12 – page 3 paragraph 1,

wherein as collection of files are compressed into one or more archive files, it is obvious

that these archive files are processed images each contain files compressed into a

group corresponding to an archive file);

associating each resulting processed image with a unique identifier (See for

example: page 2 paragraph 12 – page 3 paragraph 1, wherein it is obvious that each

archive file is identified by a unique file name)

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to compress assigned data files to form one processed image as

disclosed by Spanbauer for the files assigned to a group as taught in Stuart to speed

and simplify downloading (See for example: page 3 paragraph 1). One of ordinary skill

in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

However the combination of Stuart and Spanbauer does not explicitly teach a method comprising generating a listing of unique identifiers, storing the ... images and the listing ... within a source device, comparing listing of unique identifiers ... and selectively sending ... images ...

Suzuki teaches a method comprising:

generating a listing of unique identifiers; and storing the processed images and the listing of unique identifiers within a source device (See for example: col. 1 lines 48-57, wherein the files stored on the server side and will eventually be stored in to the client are equivalent to the processed images and the update list containing version specific information illustrate a listing of unique identifiers being generated);

comparing the listing of unique identifiers with a current listing of unique identifiers of a client device (See for example: col. 2 lines 10-34, wherein the file specifying part specifies the files to obtain in the latest condition by comparing the local update list with the update list sent from the server site); and

selectively sending processed images from the source device whose unique identifiers appear in the listing of unique identifiers but not in the current listing of unique identifiers in the client device (See for example: col. 2 lines 10-34, wherein the file specifying part selects the files to obtain in the latest condition by comparing the local update list with the update list sent from the server site and by requesting the selected files from the server, the server transfers the selected files to the client).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the steps of generating ..., storing ..., comparing ... and selectively sending ...as disclosed by Suzuki into the file downloading and updating method as disclosed in the Stuart and Spanbauer in order to provide a client-server system in which software is automatically updated (See for example: col. 1 lines 40-42). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Suzuki teaches a method wherein the source device includes at least one server device (See for example: title).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Spanbauer teaches a method wherein each unique identifier is derived from its corresponding processed image (See for example: page 2 paragraph 12 – page 3 paragraph 1).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Stuart teaches a method wherein assigning data files to downloadable file groups further includes assigning a plurality of related function data files to one downloadable file groups (See for example: col. 3 – col. 4).

Claim 5 is rejected on grounds corresponding to the reasons given above for claim 1 and furthermore Suzuki discloses a method comprising

sending the processed image and the listing of unique identifiers to a client device that

stores the processed image and the listing of unique identifiers in a persistent memory

(See for example: col. 1 lines 48-57).

Claim 25 is rejected on grounds corresponding to the reasons given above for

claim 1 and furthermore Spanbauer discloses a method wherein the one processed

image for the downloadable file group has a ".cim" extension (See for example: page 2

paragraph 12 – page 3 paragraph 1, wherein it is obvious that each archive file is

identified by a unique file name and a file extension selected for use is just a design

choice and therefore does not have any patentable weight).

Claims 8-12 and 26 are rejected on grounds corresponding to the reasons given

above for claims 1-5 and 25.

Claims 15,16 and 27are rejected on grounds corresponding to the reasons given

above for claims 1, 3 and 25.

Claim 21 is rejected on grounds corresponding to the reasons given above for

claim 1, and furthermore Stuart teaches a network (See Title).

Claims 22, 23 and 28are rejected on grounds corresponding to the reasons given

above for claims 3, 4 and 25.

Claims 29-33 are rejected on grounds corresponding to the reasons given above

for claims 1-5.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
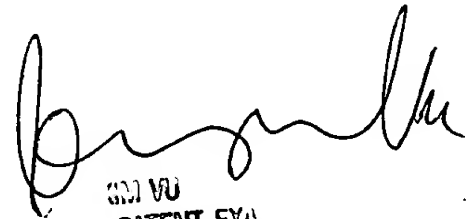
final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 703-305-3985. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M. Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

G.L.
August 21, 2003

KIM VU
PATENT EXA.
CENTER 21